

Proposal Title	Reacting to the Worrying Fundamental Rights Situation in France and Empowering French Civil Society to Fight Abusive Counterterrorism Efforts
Reserve Fund	Europe Reserve
Amount Requested	970,000 USD
Unforeseen Need (250 words)	<p>Since the November 2015 Paris attacks, the French Government has maintained a State of Emergency granting extensive powers to police. These powers are being applied in an arbitrary, abusive and discriminatory manner, particularly against Muslims (or those perceived as such), targeted mainly on the basis of their presumed religious practice, without evidence of their involvement in a criminal offence. Emergency powers are also being used for non-counter-terrorism aims such as placing environmental protestors under house arrest, banning climate protests and maintaining Roma under house arrest until they can be expelled from the country. Similar powers are also being introduced into ordinary criminal law through via new legislation. While there is considerable civil society mobilization against these measures and their application, especially the provision to strip French citizens of their nationality, existing actors are significantly over-stretched and struggling to keep up with the rapid pace of developments. Civil society voices questioning the wisdom and legality of the government's approach are struggling to be heard in a context where the government claims these measures are necessary to protect 'public safety' and where opinion polls indicate significant public support for the restrictive measures. Additional well-targeted resources could therefore considerably strengthen capacities of civil society to mobilize against and challenge these developments more effectively. The planned reserve fund actions will create bridges and coordination between established fundamental rights groups and emerging actors, and allow us to explore advocacy options and new partnerships to influence policy at national and EU level.</p>
Activities Proposed (500 words)	<p>OSIFE, OSJI and OSEPI will target reserve funds to litigation, monitoring, mobilizing, advocacy and communication activities, to significantly extend the scale, effectiveness and reach of campaigns and activities. This will provide funds to organizations that are already active against the emergency measures whose work can be considerably strengthened</p>

through additional funds. Furthermore, the resources will increase our analytical and operational capacity to strengthen advocacy and policy work at national and EU level.

A) Monitoring of abuses

The funds will support rigorous documentation of ongoing abuses carried out by law enforcement or other authorities applying state of emergency powers that may underpin advocacy and litigation efforts, likely including : house arrests; raids; police violence and abuse; discriminatory stop and search; employment discrimination against 'suspicious' Muslims; and other violations that might occur.

Funding will strengthen existing documentation by French organizations and support the creation of a network of local monitors based in communities most affected by these measures. As the lack of such monitors reflects a wider gap in French civil society, this will also seek to build new institutional capacity within French civil society.

B) Strengthen strategic litigation

A number of NGOs have initiated litigation against the State of Emergency, new laws and their application. Until now, these efforts have been undertaken on a largely pro bono basis by activist lawyers. Additional resources will allow lawyers to extend and sustain these litigation efforts, develop creative legal strategies and improve communication to raise public awareness of counter narrative relating to these measures. The funding would cover the organizing of strategy meetings, legal fees, and communication activities.

C) Shift political calculations through public pressure

Resources will provide mobilizing and campaigning activities to pressure decision-makers at national and local level to change course. These will target initiatives that improve civil society lobbying of elected officials, engage citizens in advocacy in strategic ways and innovate to raise the level of noise in public space, traditional media and social media. It will also support development of an opinion poll that challenges the idea of wide public support for measures.

D) Influence policy making at national and EU level

OSIFE will focus on national level advocacy in France to prevent setbacks in public policy and legislation by drafting evidence-based policy proposals and policy recommendations, strengthening partnership and strategic alliances among stakeholders involved in advocacy and building policy and advocacy capacity of grantees. At EU level resources will target policies and legislation with a specific security lens

	<p>complementing ongoing OSEPI work on accountability for EU Counter-Terror policies and Member State practices. A mapping exercise, three thematic background papers and three round-tables will bring together EU/NATO decision makers, the research community, parliamentarians and civil society.</p> <p>The proposed timeframe for this reserve fund allocation covers the period of March 2016 - December 2017. Allowing the involved partners to plan their activities for this timeframe makes it possible to monitor the developments and, if necessary, react on the new political situation after the April-May 2017 presidential and June 2017 legislative elections.</p>
Summary for Board Reports (100 words)	<p>Since the November 2015 Paris attacks, the French Government has maintained a State of Emergency granting extensive powers to police and administrative authorities, pushing through new legislation that infringes basic rights and freedoms. These powers are being applied in an arbitrary, abusive and discriminatory manner, particularly against Muslims (or those perceived as Muslims). The planned actions will strengthen capacities of civil society to mobilize against and challenge these developments more effectively, including creating bridges and coordination between established fundamental rights groups, and emerging actors, such as digital rights activist and new players in the civil liberties field.</p>
Collaborating Programs within OSF and essential partners or grantees	<p>This aims to be a close collaboration between the Open Society Initiative for Europe (OSIFE), the Open Society Justice Initiative (OSJI) which will focus on strategic litigation as well as technical support to monitoring and documentation efforts, and the Open Society European Policy Institute (OSEPI) which will use the opportunity to influence the development of EU-wide security policies and conduct research, coalition-building and policy and advocacy efforts to counteract such phenomena beyond France. Other OSF programs, such as the Information Program (IP) and the Human Rights Initiative (HRI) will be consulted during planning and implementation. Our essential partners and grantees on the ground include a number of NGOs that are already active on these issues, such as:</p> <p>Amnesty International France: AI-France published a snapshot study of the application of emergency measures and is involved in LDH's coalition.</p> <p>French Lawyers' Union: this union includes lawyers from across the</p>

country. It has set up a legal defense team with lawyers taking legal cases challenging abuses under the State of Emergency and counter-terrorism laws as well as an observatory documenting and analyzing legislative developments.

French League for Human Rights (LDH): a well-established French general human rights NGO and OSF grantee, is spearheading a coalition against the State of Emergency and has engaged a number of legal procedures against emergency measures.

La Quadrature du Net: an OSF grantee focused on the rights of citizens on the internet, has set up a website on the State of Emergency to centralize various civil society initiatives and information, a wiki focused on abuses and a 'pi-phone' for citizens to call their elected officials. It is also involved in litigation and advocacy against State of Emergency and counter-terrorism measures.

Vox Public: a new resource center established by Jean-Marie Fardeau, former Director of Human Rights Watch, supported by a consultancy from OSF. The resource center has supported a citizens' initiative to challenge the Constitutional reform as well as numerous NGO initiatives. The project also aims to create a new platform for engaged citizens and concerned civil society organizations to act on issues beyond the state of emergency.

Counterpoint: Counterpoint France has plans to start a new project in the country focusing on influencing leftist and liberal political circles.

The **Collective against Islamophobia in France (CCIF):** an OSF grantee, that fights against discrimination against Muslims and Islamophobia. Through its hotline, the CCIF has received numerous reports of abuses under the State of Emergency and is feeding these into advocacy and litigation;

Powerfoule: an independent citizens' movement that mobilizes via the internet. This organization has created internet resources designed to support

	<p>citizens to contact their elected officials to challenge the Constitutional reform enshrining the State of Emergency and the possibility to strip French citizens from their nationality.</p>
<p>Contributions expected from Collaborating Programs (250 words)</p>	<p>OSIFE will take the lead on the grant-making aspects providing medium to large-scale grants to established organizations and grantees, as well as explore new partnerships and engage in national level advocacy, while OSJI will focus on strategic litigation as well as technical support to monitoring and documentation efforts. In particular, OSJI will strengthen strategic litigation on abuses related to national security measures by: 1) researching the main national security issues litigated in other jurisdictions (e.g. house arrest, administrative raids and other administrative measures that undermine human rights); and 2) bringing that knowledge and jurisprudence to the French context through a meeting with international participants. OSJI will also continue to scope the most appropriate strategic litigation to carry out directly. Moreover, OSJI will advise French actors to develop coordinated monitoring and documentation of discriminatory state action/abuse of civil liberties occurring under counterterror measures, supported by OSIFE via reserve funds. OSEPI's contribution will focus on conducting and commissioning research on: comparative perspectives of current challenges to democratic oversight practices of parliaments, civil society groups and the media; the financial aspects of security responses such as the impact on defense and intelligence budgets including the effects of increased defense expenditures on EU human rights and development funds; monitoring of multilateral and Member States' changing security policies, including adaptation and blurring of internal and external security initiatives. OSEPI will also explore options for building a coalition of security and oversight actors and critically analyze the evolution of civil-military relations in Europe.</p>
<p>Statement of who within OSF would guide the work</p>	<p>The Open Society Initiative for Europe (OSIFE) will host this work within the Rights and Liberties Unit overseen by Balazs Denes while the grant-making will be led by Peter Matjašič, a Barcelona-based program officer, and assisted by Clara Grosset, a Barcelona-based program specialist. The new regional advocacy manager Cristina Goñi, also Barcelona-based, will lead OSIFE's advocacy efforts at national level and liaise with OSEPI. From the side of OSJI this work will be coordinated by Lanna Hollo, a Paris-based senior legal officer, with cooperation from Julia Harrington</p>

	Reddy and Rebekah Delsol, all from JI's Equality and Inclusion cluster. At OSEPI in Brussels, this work will be coordinated by Marta Martinelli with the involvement of two senior analysts and an advocacy assistant.
--	--

Allocator <i>(See list on Reserve Funds KARL)</i>	Name	Jordi Vaquer
	Date Approved	1 April 2016
Allocator Notes / Comments <i>(To be completed by allocator only)</i>	<i>(Notes/Comments - Optional field)</i> This was modified after the first submission to take into consideration President Hollande's change in relation to the Constitutional Reform.	
	<i>(Criteria checklist)</i> <input checked="" type="checkbox"/> Is this an <u>unforeseen</u> opportunity or a genuinely new idea to advance core open society commitments? <input checked="" type="checkbox"/> Is the need time-sensitive? <input checked="" type="checkbox"/> Are we proposing to do something that others are not doing? <input checked="" type="checkbox"/> Is the plan compelling? <input checked="" type="checkbox"/> Does the planned activity take good advantage of OSF capacity? <input checked="" type="checkbox"/> Is the team leading the work up to the task?	
Urgency level for grant approval & payments	<input checked="" type="checkbox"/> Not Rapid Response	<input type="checkbox"/> Rapid Response <i>(See procedure on KARL)</i>
If approved, where to allocate the budget? <i>(If the budget is split between multiple programs, please copy/paste this section as needed.)</i>	Amount	800,000 USD - OSIFE 80,000 USD - OSJI 90,000 USD - OSEPI
	Category of Work	RCEF000 : FIELD: Fealty to Civic Engagement and Inclusive Participation in Democratic Governance (OSIFE) Fair and Effective Policing, QLFC001 (OSJI) Security and Rights (OSEPI)
	Division/Program Code	Rights and Liberties Unit
	Entity <i>(i.e., FPOS, ZUG)</i>	OSIFE
	Fund Class <i>(i.e., Lobbying/Non-Lobbying)</i>	Lobbying and Non-Lobbying
	Geography <i>(of benefit)</i>	France/ EU